

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of the -----)
PUBLIC UTILITIES COMMISSION)
Instituting a Proceeding to)
Investigate the Reasonableness)
of Establishing Rate Flexibility))
for Motor Carriers of Passengers)
and Property.)
_____)

DOCKET NO. 03-0245

DECISION AND ORDER NO. 21490

REC'D
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

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Docket No. 03-0245

Decision and Order No. **21490**

DECISION AND ORDER

I.

Zone of Reasonableness Pilot Program¹

On January 1, 2004, the commission implemented a Zone of Reasonableness ("Zone") one (1)-year pilot program governing the commission's rate review and approval process for motor carriers of passengers and property.²

In implementing the Zone, the commission noted that: (1) it regulates over 950 motor carriers of passengers and property; (2) the available information and data suggests that the motor carrier industry is a highly competitive industry statewide; and (3) expediting the rate review and approval

¹The commission takes administrative notice of the information and data on file governing motor carriers of passengers and property.

²Decision and Order No. 20704, filed on December 5, 2003.

process, on a pilot program basis, is just, reasonable, and consistent with the public interest.³

Upon the expiration of the one (1)-year pilot period on or about December 31, 2004, the Zone will terminate, unless otherwise continued or modified by the commission. To this effect, the commission duly noted that "during the pilot program's fourth (4th) quarter, the commission intends to solicit comments and data to determine whether to continue or modify the pilot program for the year 2005 and beyond, or to terminate the program."⁴

II.

Industry Comments

On July 30, 2004, the commission solicited comments and data from the motor carrier industry and Parties,⁵ to assist the commission in determining whether to continue, modify, or terminate the Zone.⁶ By the October 15, 2004 deadline, the

³Id. at 16.

⁴Id. at 19.

⁵The Parties in this investigative proceeding are: (1) the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy; (2) Hawaii State Certified Common Carriers Association, Inc. ("HSCCCA"); (3) Hawaii Transportation Association, Inc. ("HTA"), and (4) Western Motor Tariff Bureau, Inc. ("WMTB"). Descriptions of HSCCCA, HTA, and WMTB are set forth in Decision and Order No. 20704, at pages 7 - 8.

⁶"Request for Comments: Zone of Reasonableness", dated July 30, 2004.

Parties and numerous motor carriers submitted their comments, financial information, or both, to the commission, as follows:⁷

1. HSCCCA, HTA, and WMTB; and
2. Individual motor carriers, representing a cross-section of passenger and property carriers statewide.

HSCCCA, HTA, and WMTB support the continuation of the Zone, with HSCCCA and WMTB both stating that the Zone provides motor carriers with timely rate relief.

HSCCCA also believes that the range of the Zone should remain at plus or minus ten (10) per cent for the second year, with a two (2)-year extension of the Zone. HSCCCA further states that the fuel surcharge should be rolled into the Zone.

HTA supports the commission's range of plus or minus ten (10) per cent, if a separate surcharge is also implemented. In the absence of a separate fuel surcharge, HTA favors a plus or minus range of fifteen (15) per cent. In addition, HTA supports having the Zone remain in effect for not less than three (3) more years, provided that either its suggested primary or alternative range is adopted.

WMTB believes that: (1) for the foreseeable future, the plus or minus range of ten (10) per cent should continue; and (2) the Zone should continue for at least another five (5) more years. WMTB also supports a return to the fuel surcharge, stating that "[t]he surcharge is a good method for quickly giving

⁷The commission, in turn, transmitted copies of said comments *en masse* to the Parties on October 19, 2004. In addition, on October 21, 2004, the commission transmitted to the Parties copies of Kona Transportation Company Inc.'s comments, filed on October 19, 2004.

the carriers the additional revenue necessary to cover the higher fuel costs or to reduce the surcharge in existence at the time, quickly, to offset any decrease in the fuel prices."⁸ In addition, WMTB states that "[t]he base rate should be . . . the rate that is in existence on December 31."⁹

In general, the individual motor carriers overwhelmingly support the continuation of the Zone.¹⁰ In addition, some carriers advocate an increase in the Zone's range,¹¹ while others believe that the plus or minus ten (10) per cent range should continue for the second year.¹² Certain other

⁸WMTB's comments, filed on October 15, 2004, at 2.

⁹Id.

¹⁰Alliance Trucking; CNA Senior Transport LLC; Dependable Hawaiian Express, Inc.; DHX Maui, Inc.; Exclusive Limousines; Hawaii Forest & Trail, Ltd.; Hawaii Transfer Company, Ltd.; H & M Company, Inc.; Honolulu Transfer & Storage; International Express, Inc.; Island Delivery; Jack's Tours, Inc.; Kahului Trucking & Storage, Inc.; Kauai Commercial Company, Inc.; Kona Transportation Company, Inc.; M4 Services LLC; Pacific Transfer LLC; PHT, Inc., dba Polynesian Hospitality; RPM Transportation (Hawaii), Inc.; Polynesian Adventure Tours, Inc.; Trans Quality, Inc.; Tri Isle, Inc., dba Valley Isle Express, dba Haleakala Transportation & Warehousing; and Tsukamoto Family Tours, Inc. Conversely, a single carrier filed comments stating that Decision and Order No. 20704 "should be terminated[,] " intimating that the increases in its operating costs exceed the upper parameters of the Zone. See Big Island Topsoil, LLC's comments, dated October 6, 2004, and filed on October 8, 2004.

¹¹CNA Senior Transport LLC; H & M Company, Inc.; and Honolulu Transfer & Storage.

¹²Alliance Trucking; Exclusive Limousines; Hawaii Transfer Company, Ltd.; Hawaii Forest & Trail, Ltd.; International Express, Inc.; Jack's Tours, Inc.; Kahului Trucking & Storage, Inc.; Kona Transportation Company, Inc.; M4 Services LLC; Pacific Transfer LLC; Polynesian Adventure Tours, Inc.; RPM Transportation (Hawaii), Inc.; Trans Quality, Inc.; and Tri Isle Inc., dba Valley Isle Express, dba Haleakala Transportation & Warehousing.

carriers only submitted their financial information, ostensibly in response to PUC-IR-5 and PUC-IR-6, without stating whether they support or oppose the continuation of the Zone.¹³

The factors cited by the Parties and carriers in continuing the Zone include:¹⁴ timely rate relief in response to rising operating costs (fuel, personnel, equipment, insurance) and other changes in market conditions; opportunity for additional operating revenues; level playing field; a good balance by protecting the consumers while enabling the carriers to earn a reasonable return on their investment; and eliminating the need for costly and time consuming documentation to support their proposed changes in rates and charges.

Certain of the individual carriers also support a fuel surcharge separate from the Zone.¹⁵ One carrier, meanwhile, seeks to clarify certain matters involving the Zone.¹⁶

¹³Gyorgy Barcza, Inc., dba We Haul Supermove, and dba Ultimate Movers; JMB Equipment Rental; and Pineridge Farms, Inc.

¹⁴Alliance Trucking; CNA Senior Transport LLC; Dependable Hawaiian Express, Inc.; DHX Maui, Inc.; Exclusive Limousines; Hawaii Forest & Trail, Ltd.; Hawaii Transfer Company, Ltd.; H & M Company, Inc.; Honolulu Transfer & Storage; HSCCCA; International Express, Inc.; Jack's Tours, Inc.; Kahului Trucking & Storage, Inc.; Kauai Commercial Company, Inc.; Kona Transportation Company, Inc.; M4 Services LLC; Pacific Transfer LLC; PHT, Inc., dba Polynesian Hospitality; Polynesian Adventure Tours, Inc.; RPM Transportation (Hawaii), Inc.; Trans Quality, Inc.; Tsukamoto Family Tours, Inc.; and WMTB.

¹⁵See, e.g., Island Delivery; Kahului Trucking & Storage, Inc.; and Kona Transportation Company, Inc.

¹⁶See Big Isle Moving & Draying, Inc.'s comments, dated October 15, 2004, and filed on October 18, 2004. Section IV of this Decision and Order clarifies the pertinent matters raised by this motor carrier.

III.

Zone of Reasonableness: Review and Findings

Attached as Exhibit 1 is a commission chart summarizing the rate changes filed by WMTB and individual motor carriers during the first three (3) quarters of the Zone.

The commission's review of the current available information and data reveals that for the first three (3) quarters of the Zone:

1. WMTB, on behalf of its affected member carriers that did not flag out, filed for: (A) increases of seven (7) per cent for certain classifications; and (B) increases of ten (10) percent for certain other classifications;¹⁷

2. Individual motor carriers filed for decreases and increases within the Zone's parameters of plus or minus ten (10) per cent;

3. Individual filings by six (6) motor carriers, with supporting financial data, exceeded the Zone's parameters;

4. Many other motor carriers did not propose or seek any changes to their rates or charges; and

5. For motor carriers that experienced rate changes, the operating ratio of certain carriers decreased, while the

¹⁷Seven (7) per cent for: Hawaii and Oahu, general commodities and break bulk and delivery; and Oahu, specific freight.

Ten (10) per cent for: Hawaii, Kauai, Maui, and Oahu, dump truck; Kauai, general commodities; Kauai and Maui, break bulk and delivery; Maui, general commodities; and Statewide, household goods (7 per cent + 2.8 per cent) and passengers (7 per cent + 2.8 per cent).

operating ratio of other carriers increased.¹⁸ Thus, no true trend emerges. Nonetheless, HSCCCA, HTA, WMTB, and the individual motor carriers that responded to the commission's information requests, overwhelmingly support the continuation of the Zone.

The commission finds that:

1. It regulates over 1,000 motor carriers of passengers and property. The available information and data continues to suggest that the motor carrier industry today is a highly competitive industry statewide.

2. Continuing to expedite the motor carrier rate review and approval process, by extending the pilot program for an additional three (3) calendar years, is just, reasonable, and consistent with the public interest. Other than the comments of one (1) motor carrier,¹⁹ the Parties and other motor carriers did not voice any affirmative opposition to the continuance of the Zone.

3. Motor carrier rate changes that fall within the range or Zone, specified in Section IV, below, are presumptively just and reasonable.

¹⁸"The ratemaking process long observed by the commission for the motor carrier industry is the operating ratio methodology. Based on its past practice, the commission has found reasonable a motor carrier's operating ratio of ninety (90) to ninety-three (93) per cent, under the carrier's 'normalized' operational structure." Decision and Order No. 20704, at 2.

¹⁹Big Island Topsoil, LLC's comments, dated October 6, 2004, and filed on October 8, 2004.

IV.

Zone of Reasonableness: Three (3)-Year Extension

The Zone is presently scheduled to expire on or about December 31, 2004. The commission, pursuant to HRS chapters 269 and 271, extends the Zone by an additional three (3) calendar years, from January 1, 2005 up to and including December 31, 2007, under the parameters set forth in sub-Sections IV(A) to (D), below.

A.

The Second Year: January 1, 2005 - December 31, 2005

For the Zone's second calendar year, from January 1, 2005 up to and including December 31, 2005 ("second year"):

1. A motor carrier's base rate is the applicable, approved tariff rate on file with the commission, effective as of January 1, 2005.

For a new motor carrier authorized or certificated by the commission after January 1, 2005, that carrier's base rate is its initial, approved tariff rate on file with the commission.

2. The Zone will consist of points within the range of plus or minus ten (10) per cent from a motor carrier's base rate. The total range of a carrier's Zone during the second year, thus, is twenty (20) per cent from its base rate.

A carrier's fuel surcharge rate is included in the Zone's range, i.e., is rolled into the carrier's Zone.

Also, a carrier's base rate is fixed, and does not fluctuate or compound with each new, approved rate change.²⁰

²⁰See, e.g., Decision and Order No. 20704, at page 13, footnote 9.

B.

The Third Year: January 1, 2006 to December 31, 2006

For the Zone's third calendar year, from January 1, 2006 up to and including December 31, 2006 ("third year"):

1. A motor carrier's base rate is the applicable, approved tariff rate on file with the commission, effective as of January 1, 2006.

For a new motor carrier authorized or certificated by the commission after January 1, 2006, that carrier's base rate is its initial, approved tariff rate on file with the commission.

2. The Zone will consist of points within the range of plus or minus ten (10) per cent from a motor carrier's base rate. The total range of a carrier's Zone during the third year, thus, is twenty (20) per cent from its base rate.

A carrier's fuel surcharge rate is included in the Zone's range, i.e., is rolled into the carrier's Zone.

Also, a carrier's base rate is fixed, and does not fluctuate or compound with each new, approved rate change.

C.

The Fourth Year: January 1, 2007 to December 31, 2007

For the Zone's fourth calendar year, from January 1, 2007 up to and including December 31, 2007 ("fourth year"):

1. A motor carrier's base rate is the applicable, approved tariff rate on file with the commission, effective as of January 1, 2007.

For a new motor carrier authorized or certificated by the commission after January 1, 2007, that carrier's base rate is its initial, approved tariff rate on file with the commission.

2. The Zone will consist of points within the range of plus or minus ten (10) per cent from a motor carrier's base rate. The total range of a

carrier's Zone during the fourth year, thus, is twenty (20) per cent from its base rate.

A carrier's fuel surcharge rate is included in the Zone's range, i.e., is rolled into the carrier's Zone.

Also, a carrier's base rate is fixed, and does not fluctuate or compound with each new, approved rate change.

D.

Common Parameters

For the Zone's second, third, and fourth years:

1. A motor carrier's proposed increases or decreases to its base rate that fall within the Zone is presumptively valid, i.e., "just and reasonable."
2. A motor carrier's proposed rate change remains subject to the applicable tariff filing requirements under HRS chapter 271 and HAR chapters 6-61, 6-62, and 6-63.

These requirements include the thirty (30)-day advance notice provision, or its short notice alternative. The tariff contents, protest, suspension, and denial provisions also apply.

The commission will continue to issue its monthly motor carriers' tariff order, listing the rate notices and rate change transmittals that will or have taken effect during the pilot period.

3. A motor carrier's rate change is not limited to one request, nor is it limited to across-the-board rate changes. A carrier's rate change can apply only to selected services or items, if the carrier so chooses.
4. An authorized tariff agent or bureau can file rate notices or rate change transmittals on behalf of its member carriers. The member carriers, in turn, have the option of "flagging out."

"Independent actions," at a carrier's option, are also allowed.

5. A motor carrier is entitled to seek rate changes that fall outside the carrier's Zone. If so, the

presumption of justness and reasonableness will not apply. Instead, the carrier will have the burden of proving that its proposed rate change is just and reasonable.²¹

6. The commission envisions that unforeseen issues may arise, based on a requesting carrier's tariff or circumstances.

The commission continues to reserve the right, at any time, to: (A) adjust or change the Zone or its applicable requirements, in order to "fine tune" the Zone concept; or (B) terminate the Zone, upon a finding that the pilot program appears to adversely affect the public interest.

7. Upon the completion of the pilot period, the Zone will be continued, unless otherwise terminated or modified by the commission.

During the fourth (4th) quarter of 2005, 2006, and 2007, the commission intends to solicit comments and data to determine whether to continue, modify, or terminate the program.

The commission remains optimistic that: (1) the rate increases implemented by motor carriers within the Zone will not result in the carrier's operating ratio decreasing below the commission's ninety (90) per cent acceptable amount; and (2) unlawful collusion, other illegal forms of price-fixing, or abuses, will not result. Moreover, the commission, on an on-going basis, will accept written comments and feedback from the general public and motor carrier community on the effects of the Zone.

²¹Example. On March 1, 2005, the commission approves Carrier X's request for a ten (10) per cent general rate increase, which falls within Carrier X's Zone. On April 20, 2005, Carrier X files a request for an additional two (2) per cent general rate increase, which is outside its Zone. Carrier X must prove that its additional two (2) per cent increase is just and reasonable under the commission's normal ratemaking procedures for the commission to approve this additional increase.

Lastly, besides HTA, HSCCCA, and WMTB, a total of twenty-eight (28) individual motor carriers submitted comments, financial information, or both, in response to the commission's information requests. Those remaining carriers that did not submit any comments to the commission, we presume, do not object to the Zone or its continuance.²²

V.

Orders

THE COMMISSION ORDERS:

1. The Zone of Reasonableness pilot program governing the commission's motor carrier rate review and approval process, as approved by the commission in Decision and Order No. 20704, is extended for an additional three (3) calendar years, from January 1, 2005 up to and including December 31, 2007, pursuant to the parameters set forth in Section IV, above.

2. It reserves the right, at any time, to: (A) adjust or change the Zone of Reasonableness or its applicable requirements, in order to "fine tune" the Zone concept; or (B) terminate the Zone, upon a finding that the pilot program appears to adversely affect the public interest.


3. Upon the completion of the pilot period, the Zone of Reasonableness will continue with base rates being established on January 1 of each year under the same terms and conditions, unless otherwise terminated or modified by the commission.


²²Otherwise, if a particular carrier objected to the Zone or to its continuance, said carrier should have timely filed its objection or concerns with this commission.


4. The Parties' deadline to file any motions for reconsideration or clarification of this decision and order is December 20, 2004, pursuant to HAR chapter 6-61, subchapter 14.

DONE at Honolulu, Hawaii: DEC - 7 2004.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

03-0245.cs

PUBLIC UTILITIES COMMISSION

TARIFF FILINGS - 2004

<u>Agent or Company</u>	<u>Date Filed</u>	<u>Rate Notice</u>	<u>Tariff</u>	<u>Island</u>	<u>Increase</u>
WMTB	12/15/03	4395-8-C	Passenger	Statewide	7%
- SpeediShuttle			Passenger	Maui	Flag-Out
- Exclusive, Inc.			Passenger	Oahu	Flag-Out
WMTB - Lanai Transp.	2/10/04	4427-8-C	Passenger	Lanai	Flag-Out
- Maui Aloha			Passenger	Maui	Flag-Out
- B & R, Ltd.			Passenger	Kauai	Flag-Out
WMTB	12/19/03	4397-1-B	HHG	Statewide	7%
WMTB	1/20/04	4407-7-B	HHG	Statewide	7%
WMTB - Island Movers	12/19/03	4398-1-B	HHG	Statewide	9%
WMTB - Island Movers	1/23/04	4410-7-B	HHG	Statewide	9%
WMTB	1/13/04	4400-2-B	Dump	Kauai	10%
WMTB	1/13/04	4401-3-A	GC	Kauai	10%
WMTB	1/13/04	4402-11-A	BB&D	Kauai	10%
WMTB	1/30/04	4412-4-A	GC	Oahu	7%
WMTB	1/30/04	4413-14	SF	Oahu	7%
WMTB - Windward Mov.	1/30/04	4414-1-B	HHG	Statewide	9%
WMTB - Big Isle Mov.	1/30/04	4414-1-B	HHG	Statewide	9%
WMTB - Big Isle Mov.	1/30/04	4415-7-B	HHG	Statewide	9%
WMTB	1/30/04	4416-2-B	Dump	Oahu	10%
WMTB - Henry's Equip.	1/30/04	4417-2-B	Dump	Oahu	4%
WMTB - B & C Trucking	1/30/04	4417-2-B	Dump	Oahu	4%
WMTB	2/6/04	4420-11-A	BB&D	Oahu	7%
WMTB	2/10/04	4421-6-A	GC	Hawaii	7%
WMTB	2/11/04	4422-11-A	BB&D	Hawaii	7%
WMTB	2/10/04	4423-11-A	BB&D	Maui	10%
WMTB	2/10/04	4424-5-A	GC	Maui	10%
WMTB	2/10/04	4425-2-B	Dump	Hawaii	7%
WMTB	2/10/04	4426-2-B	Dump	Maui	10%

<u>Agent or Company</u>	<u>Date Filed</u>	<u>Rate Notice</u>	<u>Tariff</u>	<u>Island</u>	<u>Increase</u>
WMTB - Jack's	2/10/04	4427-8-C	Passenger	Hawaii	Flag-Out
- Maui Aloha					Flag-Out
- B & R, Ltd.					Flag-Out
WMTB - Jack's	2/11/04	4427-8-C	Passenger	Hawaii	7%
WMTB - Edwin DeLuz	2/17/04	4430-6-A	Container Spot.	Hawaii	-10%
			Hourly Rates	Hawaii	-10%
WMTB - West Hawaii	2/17/04	4431-2-B	Dump	Hawaii	3%
WMTB - Kona Transp.	2/24/04	4432-1-B	HHG	Hawaii	9%
WMTB - Kona Transp.	2/24/04	4433-7-B	HHG	Hawaii	9%
WMTB - Kona Transp.	2/24/04	4434-6-A	GC	Hawaii	Flag-Out
			GC	Hawaii	6.83%
WMTB - Jack's	2/24/04	4435-8-C	Passenger	Hawaii	7%
			TNFR 565	Hawaii	Flag-Out
			TNFR 582	Hawaii	Flag-Out
			ST&T 5	Hawaii	Flag-Out
			14 Pass. Van	Hawaii	Flag-Out
			20-25 Pass. MiniBus	Hawaii	Flag-Out
			MC>28 Pass. Bus	Hawaii	Flag-Out
- Armijo			Passenger	Maui	Flag-Out
WMTB - Kona Transp.	2/24/04	4436-2-B	Dump	Hawaii	Flag-Out
			Dump	Hawaii	4%
WMTB - Oahu Express	4/2/04	4439-4-A	Cont < 30 ft-A	Oahu	4.97%
			Cont < 30 ft-B	Oahu	16.15%
			Cont < 30 ft-C	Oahu	18.22%
			Cont < 30 ft-D	Oahu	-6.36%
			Cont < 30 ft-E	Oahu	-2.42%
			Cont > 30 ft-A	Oahu	15.10%
			Cont > 30 ft-B	Oahu	40.40%
			Cont > 30 ft-C	Oahu	24.14%
			Cont > 30 ft-D	Oahu	15.36%
			Cont > 30 ft-E	Oahu	18.93%

<u>Agent or Company</u>	<u>Date Filed</u>	<u>Rate Notice</u>	<u>Tariff</u>	<u>Island</u>	<u>Increase</u>
WMTB - MKL Trucking	4/2/04	4440-2-B	Dump	Hawaii	Flag-Out
De Rego's			Dump	Hawaii	Flag-Out
D. De Cambra			Dump	Hawaii	Flag-Out
Pac. Transp.			Dump	Hawaii	Flag-Out
R. Fergerstrom			Item 3104A	Hawaii	3%
MKL Trucking			Item 3104A	Hawaii	3%
De Rego's			Item 3104A	Hawaii	3%
D. De Cambra			Item 3104A	Hawaii	3%
Pac. Transp.			Dump	Hawaii	4%
WMTB - MKL Trucking	5/11/04	4442-2-B	Dump - Item 4030	Hawaii	3%
De Rego's			Dump - Item 4030	Hawaii	3%
D. DeCambra			Dump - Item 4030	Hawaii	3%
WMTB - Armijo	6/23/04	4443-8-C	ST&T-7-A	Maui	7%
WMTB - VIP Trans	6/23/04	4444-8-C	TNFR 251-1		
			Nonresident	Oahu	-31.82%
			Resident	Oahu	2.27%
			TNFR 251-2		
			Nonresident	Oahu	-20.45%
			Resident	Oahu	13.64%
WMTB	7/12/04	4446-8-C	Passenger	Statewide	2.80%
WMTB	7/12/04	4447-2-B	Dump	Hawaii	7.00%
WMTB	8/6/04	4449-1-B	HHG	Statewide	2.80%
WMTB	8/6/04	4450-7-B	HHG	Statewide	2.80%
WMTB	8/6/04	4451-2-B	Dump-Coal	Hawaii	2.80%
WMTB - Island Movers	8/16/04	4452-1-B	HHG	Statewide	0.90%
Kona Transp.					
WMTB - Island Movers	8/16/04	4453-7-B	HHG	Statewide	0.90%
Kona Transp.					

<u>Agent or Company</u>	<u>Date Filed</u>	<u>Rate Notice</u>	<u>Tariff</u>	<u>Island</u>	<u>Increase</u>
WMTB - Jack's	9/2/04	4455-8-C	Passenger	Hawaii	2.80%
			TNFR 565	Hawaii	Flag-Out
			TNFR 582	Hawaii	Flag-Out
			ST&T 5	Hawaii	Flag-Out
			14 Pass. Van	Hawaii	Flag-Out
			20-25 Pass. MiniBus	Hawaii	Flag-Out
			MC>28 Pass. Bus	Hawaii	Flag-Out
WMTB - Kona Transp.	9/20/04	4459-2-B	Dump	Hawaii	5.70%
			Dump - Aggregate	Hawaii	4.40%
WMTB - Kona Transp.	9/27/04	4460-6-A	GC	Hawaii	2.81%
International Express	12/11/03		GC	Oahu	3%
			BB&D	Oahu	3%
Pine Enterprises	12/23/03		GC	Oahu	10%
			Dump	Oahu	10%
Tri Isle, Inc.	1/2/04		Petroleum - 442	Maui	6.50%
			Petroleum - 445	Maui	6.50%
	1/8/04		Cement - 412	Maui	10.00%
Hawaii Forest & Trail	1/2/04		Summer & Stars	Hawaii	6.90%
	2/11/04		Valley - Waterfall	Hawaii	26.31%
B B Delivery	2/2/04		Accessorial - 20	Maui	8%
			Government. - 30	Maui	8%
			Collection Charge - 45	Maui	8%
			Explosives - 60	Maui	8%
			Overtime - 115	Maui	8%
			Chilled Freight - 210	Maui	10%
			Hourly Rate - 310	Maui	10%
Frank Lawrence	2/13/04		Bunker	Hawaii	4.88%
			Naphtha	Hawaii	3.82%
			Diesel	Hawaii	3.07%
Royal Hawaiian Movers	2/6/04		HHG	O,M,H	7%

<u>Agent or Company</u>	<u>Date Filed</u>	<u>Rate Notice</u>	<u>Tariff</u>	<u>Island</u>	<u>Increase</u>
Wailea Limousine	1/30/04		Transfer - 210, 220	Maui	7%
			Hourly Rate - 310	Maui	7%
Akina Aloha	2/17/04		Baggage - Item 20	Maui	7%
			Narrator - Item 90	Maui	4.70%
			Tour - Items 210-247	Maui	7%
			Trsf. - Items 260-270	Maui	7%
			Hrly. Chtr. - Item 310	Maui	7%
Akina Bus	2/17/04		Baggage - Item 20	Maui	7%
			Narrator - Item 90	Maui	4.70%
			Tour - Items 210-247	Maui	7%
			Trsf. - Items 260-270	Maui	7%
			Hrly. Chtr. - Item 310	Maui	7%
Direct Supp. Resources	3/9/04		GC - Class Rates	Oahu	10%
			GC - Class Rates	Oahu	7%
Ed Yamashiro	2/20/04		Dump	Oahu	10%
			GC	Oahu	10%
			SF	Statewide	10%
Island Movers, Inc.	2/27/04		BB&D	Oahu	10%
Island Movers, Inc.	2/27/04		BB&D	Maui	8%
Island Movers, Inc.	2/27/04		GC	Maui	10%
Kalaka Nui	2/26/04		Dump	O,H,K	10%
			GC	O,H,K	7%
Kona Transportation	2/27/04		Lift - Rule 210 <5T	Hawaii	18.98%
			Lift - Rule 210 >5T	Hawaii	0.99%
			Min. Del. - Item 200	Hawaii	-7.18%
			Min. Del. - Item 300	Hawaii	45.60%
Nick's Hauling	3/11/04		GC	Hawaii	7%
			Dump	Hawaii	7.18%
Richard H.S. Lee, Inc.	3/11/04		Dump	Oahu	10%
			GC	Oahu	10%

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Tri Isle, Inc.	2/17/04		Dump	Maui	7%
			GC	Maui	7%
			BB&D	Maui	3% and 4%
			Excl. - 412, 442, 445	Maui	
Tropical Hydro	3/1/04		Lahaina Town Tour	Maui	10%
Big Island Topsoil	4/2/04		GC	Hawaii	7%
			GC	Oahu	7%
			GC	Maui	10%
			GC	Kauai	10%
			Dump	Hawaii	7%
			Dump	M,K, O	10%
Cardoza, KC Trucking	4/8/04		GC	Hawaii	-7%
DHX Maui	3/31/04		GC	Maui	7%
			HHG	Maui	7%
Emerald Pacific	4/2/04		GC	Hawaii	7.10%
			Dump	Hawaii	7.17%
Nick's Hauling	3/29/04		Dump - Minimum Hrs.	Hawaii	-9.09%
Pacific Transfer	3/23/04		GC	Oahu	7%
Sherman, City Wide	4/2/04		GC	Oahu	7%
			HHG	Oahu	7%
			BB&D	Oahu	7%
Souza, Island Topsoil	4/2/04		Dump	Oahu	10%
Big Island Topsoil	5/6/04		Dump	Hawaii	2%
Tri Isle, Inc.	5/13/04		Dump - Nonprofit	Maui	3%
Mercantile Trucking	5/5/04		Gen. Com.	Oahu	3.80%
			BB&D	Oahu	9%
Island Movers	4/30/04		Container Spot.	Oahu	-23 to -27%

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Dependable, DHX	4/15/04		GC	Oahu	7%
	4/15/04		BB&D	Oahu	7%
	4/15/04		GC	Oahu	-14.36%
Xpress Trucking	4/15/04		GC	Oahu	7%
	4/15/04		GC	Maui	10%
	4/15/04		BB&D	Oahu	7%
	4/15/04		BB&D	Maui	10%
ABC Rider	5/28/04		Passenger	Maui	7%
Hawaii Transfer	5/26/04		BB&D	Oahu	7%
RPM Transportation	6/4/04		Batteries - 410	Oahu	4%
			Carpet - 415	Oahu	4%
			Chemical - 420	Oahu	4%
			Fruit - 425	Oahu	4%
			Groceries - 430	Oahu	10%
			Groceries - 435	Oahu	5%
			Parts - 440	Oahu	10%
			Plumbing - 445	Oahu	10%
			Rice - 450,451	Oahu	10%
			Xmas Trees - 455	Oahu	10%
			GC	Oahu	10%
Pineridge Farms	6/8/04		GC	Oahu	7.82%
			Dump	Oahu	10.00%
Elite Limousine	7/12/04		Passenger	Oahu	5%
Pomaika'i Transport	7/23/04		Rules & Regs.	Oahu	7%
			HHG	Oahu	7%
			GC	Oahu	7%
			Dump	Oahu	10%
			Cement - 410, 420	Oahu	8%

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All Amer. Moving, Inc.	8/9/04		Accessorial - 20	Oahu	7.49%
			Pack. Mat. - 320	Oahu	7%
			Con. Spot. - 510	Oahu	7.49%
Conen's Freight Transp.	8/2/04		Dump & GC	Hawaii	10%
			BB&D	Hawaii	10%
			Hrly. Equip. - 710	Hawaii	5.92%
CNA Senior Transp.	9/16/04		Passenger	Oahu	10%
Akina Aloha Tours, Inc.	9/30/04		Item - 90	Maui	2.80%
			Items - 210-247	Maui	2.80%
			Items - 260-247	Maui	2.80%
			Item - 310-Hourly	Maui	2.80%
Akina Bus Service, Ltd.	9/30/04		Item - 90	Maui	2.80%
			Items - 210-247	Maui	2.80%
			Items - 260-247	Maui	2.80%
			Item - 310-Hourly	Maui	2.80%
RDH Transp. Services	9/29/04		Baggage	Oahu	7%
			Narrators	Oahu	7%
			Circle Island	Oahu	7%
			City Tour	Oahu	7%
			Transfers	Oahu	7%
			Hourly Rates	Oahu	7%
Royal Hawaiian Movers	9/29/04		Pack-Unpack	O,M,H.	2.80%
			Packing Materials	O,M,H.	2.80%
			Accessorial	O,M,H.	2.80%
			Intra-island	O,M,H.	2.80%
			Inter-island	O,M,H.	2.80%
Tri Isle, Inc.	9/24/04		Petroleum	Maui	1.90%

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21490 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

HAWAII STATE CERTIFIED COMMON CARRIERS ASSOCIATION, INC.
P. O. Box 88692
Honolulu, HI 96830-8692

HAWAII TRANSPORTATION ASSOCIATION
P. O. Box 30166
Honolulu, HI 96820

WESTERN MOTOR TARIFF BUREAU, INC.
P. O. Box 30268
Honolulu, HI 96820



Karen Higashi

DATED: DEC - 7 2004